

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 4-5, 2004

Reference No.: 2.4b.
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18924 through C-18928. Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18924 - Richard Mussetter, et ux

03-Pla-49-KP 7.64/PM 4.75-Parcel 032873-1 - EA 0A4109 - Certification Date: 11/01/04 - RTL Date: 02/01/05 - (Conventional highway - Operational Improvements). Authorizes condemnation of a permanent underground utility easement to be conveyed to PG&E. Located in the city of Auburn at 1070 Grass Valley Highway.

C-18925 - Eugene Gabrych

06-Ker-14-KP 26.7-Parcel 85040-1A, 1B; 85041-1A, 1B - EA 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Conventional highway - two lane to four lane). Authorizes condemnation of land in fee for a State highway. Located near the town of Mojave near State Route 58.

C-18926 - Jorge Antonio Castillo, et ux

06-Tul-198-PM 37.5/38.0-Parcel 84360-1A, 1B - EA 339309 - Certification Date: 03/01/04 - RTL Date: 03/01/04 - (Conventional highway - AC overlay and widening). Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove improvement. Located near the town of Lemon Cove/Exeter at 30761-A Sierra Drive, Exeter, CA.

C-18927 - George Van Dorn, et ux

08-SBd-138-KP 9.47-Parcels 19997-1, -2 - EA 4697V9 - Certification Date: 11/01/04 - RTL Date: 01/03/05 - (Conventional highway - construction of a four-lane highway with median and truck climbing lanes). Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Phenlan, California, near west of Sheep Creek Road.

C-18928 - Terry Eisenhart

11-SD-125-KP 14.9-Parcel 32084 - EA 232309 - Certification Date: 6/20/2003 - RTL Date: 01/01/04 - (Freeway). Authorizes condemnation of land in fee for a State highway. Located in the city of Bonita at 6744 San Miguel Road.